

12/11/2020 10:50 am

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE

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WILLIAM COSTIGAN,

For Online Publication Only

Plaintiff,

-against-

**ORDER**

17-CV-1592 (JMA) (SIL)

ANDREW SAUL,

Defendant.  
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**AZRACK, United States District Judge:**

On April 14, 2020, plaintiff William Costigan (“Plaintiff”) filed a motion for attorneys’ fees. (ECF No. 13.) On April 15, 2020, Judge Spatt referred Plaintiff’s motion to Magistrate Judge Locke for a Report and Recommendation (“R&R”). (ECF No. 16.) On July 13, 2020, this case was reassigned to this Court. On November 12, 2020, Judge Locke issued an R&R recommending that Plaintiff’s motion for attorneys’ fees be granted in part and denied in part as follows: Plaintiff should be granted leave to file an amended motion (as a new motion) with accompanying supporting papers as appropriate, after the Social Security Administration renders its determination on his pending fee petition pursuant to 42 U.S.C. 406(a) for the work Plaintiff’s counsel performed at the administrative level. Plaintiff’s new amended motion should be filed consistent with this Court’s individual rules. (Electronic Order, 11/12/20.)

To date, no objections have been filed to the R&R, and the time for filing such objections has passed. Having conducted a review of the full record and the applicable law, I adopt Judge Locke’s R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge’s report and recommendation, the court must “make a de novo determination of those portions of the report or . . . recommendations to which

objection[s][are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 05–CV–5579, 2006 WL 3851152, at \*2 (S.D.N.Y. Dec. 29, 2006). The court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Those portions of a report and recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

I have undertaken a review of the record and the R&R, and finding no clear error, I adopt Judge Locke’s R&R. Accordingly, the Plaintiff’s motion for attorneys’ fees is granted in part and denied in part. Plaintiff is granted leave to file an amended motion (as a new motion), with accompanying supporting papers as appropriate, after the Social Security Administration renders its determination on his pending fee petition pursuant to 42 U.S.C. 406(a) for the work Plaintiff’s counsel performed at the administrative level. Plaintiff’s new amended motion should be filed consistent with this Court’s individual rules.

**SO ORDERED.**

Dated: December 11, 2020  
Central Islip, New York

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/s/ (JMA)  
JOAN M. AZRACK  
UNITED STATES DISTRICT JUDGE